

## **ATTORNEY ADVISOR ES-0905-07**

### **Introduction**

This is an full time Excepted Service position located in the Sentencing Commission of the District of Columbia (SCDC), which is an independent agency within the District of Columbia government. The mission of SCDC is to implement, monitor, and support the District's Voluntary Sentencing Guidelines, to promote fair and consistent sentencing policies, to increase public understanding of sentencing policies and practices, and to evaluate the effectiveness of the Guidelines system in order to recommend changes bases on actual sentencing and corrections practice and research. SCDC is responsible for implementing and monitoring the District's Voluntary Sentencing Guidelines used in felony sentences imposed by the DC Superior Court, determining compliance with the guidelines, and providing training to the court, practitioners, and the public regarding the application of the sentencing guidelines. SCDC is also responsible for developing and maintaining an extensive data system used to conduct research and evaluate sentencing policies and practices within the District.

This position functions as Attorney Advisor, responsible for providing legal advice to the Commission and the Executive Director; and developing new and amended legislation, regulations, and contractual activities as directed by the Executive Director.

### **Major Duties**

Reviews and evaluates all significant legal and policy initiatives related to the Sentencing Commission guidelines. Reviews and evaluates all litigation against the Sentencing Commission. Intervenes, as appropriate, in on-going litigation brought by or against the Sentencing Commission.

Designs and implements legal strategies for modifications to the sentencing guidelines. Reviews various statutes, legal documents, and relevant case law to determine whether execution of any proposed actions is in the best interest of the Sentencing Commission.

Prepares written policy statements for action taken by the Sentencing Commission. Coordinates legal, policy and operational initiatives related to policy or technical modifications to the Sentencing Commission guidelines.

Drafts legislation or prepares reports on changes in basic sentencing structure and related legislation. In drafting or reviewing proposals, analyzes the case law, and relevant court decisions; evaluates the facts; determines questions of law or relevant policy decisions; and either recommends adoption of decisions, or drafts a comprehensive decision for consideration.

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Reviews and verifies guideline compliance checks and ensures that all sentences imposed are accurately classified as compliant or non-compliant via departure letters and data quality assurance, in collaboration with the Sentencing Commission's Statistician.

Drafts formal and informal advisory opinions relating to the operations of agency in a legal context. Defends those decisions when they are questioned or addressed internally or externally. Supplies legal guidance to the Executive Director and Commission.

Evaluates and reviews policies related to data sharing and privacy practices; examines best practices; and recommends policies and procedures to the Executive Director and the Commission

Acts as an advisor for accreditation and other types of internal and external audits for compliance and effectiveness.

Provides assistance on legal technical issues related to the Sentencing Commission's GRID System, including but not limited to charge code verification and felony offense rankings.

Where the Executive Director is recused from participating in a matter, the incumbent may be required to accept delegated responsibilities from the Executive Director.

Keeps abreast of judicial, agency and other changes in laws and regulations related to the functions of the Sentencing Commission. Recommends appropriate course of action to the Executive Director, as deemed necessary.

Monitors and conducts the Sentencing Commission's guidelines and training program. Develops and modifies, as necessary, the annual Sentencing Guideline Manual.

Performs other related duties as assigned.

**Knowledge Required by the Position**

Extensive knowledge of laws governing the Sentencing Commission guidelines. Skill in interpret and apply applicable laws, regulations, and practice, including agency policies and relevant judicial decisions.

Extensive knowledge of D.C. criminal statutes and judicial sentencing practices related to the implementation of the Sentencing guidelines including application of departures, enhancements, concurrent/consecutive sentences, and non-compliant sentencing guidelines.

Skill in analyzing and determining the classification of out-of-state criminal convictions and conversion to the appropriate D.C. offense for the purpose of determining a criminal history score.

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Substantial skill in the analysis and resolution of difficult legal issues in an orderly, systematic, effective manner. Skills in applying sound judgement in review and analysis of matters assigned and deriving logical conclusions

Excellent oral and written communication skills, and the ability to develop and present both policy briefs and reports. Ability to interact with Court Services and Offender Supervision Agency (CSOSA) staff. Strong legal writing and public speaking skills.

Ability to exercise tact, discretion, and skill in personal relations in dealing with persons at various level, job categories, and groups especially in public forum. Skills in collaborating and working in a team-based environment.

### **Supervisory Controls**

Works under the general supervision of the Executive Director. Assignments are on a continuing basis and much of the work is self-generated through recognition of compliance problems and/or proposals requiring study. Incumbent independently plans work and methods of approach, resolving most of the conflicts which arise. Incumbent coordinates work with others and consults with supervisor on policy matters and precedent-setting issues. Work is reviewed for feasibility and effectiveness in meeting objectives and requirements.

### **Guidelines**

Guidelines included District and Federal laws and regulations; Executive Orders; District government policies; procedures and administrative orders issued by the Mayor; judicial decisions; guidance by the Office of Policy and Legislative Affairs; Attorney General Opinions; relevant criminal cases and Opinions at any level of government relating to the District's Sentencing Commission Guidelines; Supreme Court Opinions; reports, white papers, and other oral and written materials that relate to sentencing and sentencing policy, and the law that may affect the operations of the Sentencing Commission, including contractual and data system related issues. Guidelines have broad applicability and the incumbent is expected to select, apply, and deviate from traditional methods and practices, as required by the nature of the problem encountered. Originality is required in the development of legal and regulatory rationale on environmental issues in which there are no suitable precedents.

### **Complexity**

The work involves a board range of legal administrative responsibilities related to diverse issues, and complex problems as they relate the criminal sentencing field. Assignments include formulating and guiding major legal, analytical and/or evaluation work on problems of great difficulty and critical importance. Due to the extremely complex and difficult legal issues and

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questions involved in the absence of established legal decisions, the work requires the incumbent to use sound judgment and a high degree of original and creative legal endeavor in the resolution of assigned matters involving policy advice regarding criminal sentencing practices in the District of Columbia.

### **Scope and Effect**

The purpose of the work is to provide legal advice to the Executive Director and Commission; and to develop new and amended legislation, regulations, and contractual activities as directed by Executive Director. The work directly affects the Sentencing Commission's reliability, attainment of established objectives, and compliance with specific District and Federal rules and laws.

### **Personal Contacts**

Personal contacts are with staff within the Sentencing Commission, the Executive Director, Commission members, officials of the District, Federal and State governments, various other persons with expertise in areas related to the sentencing guidelines, sentencing policy, legal practitioners, and members of the public.

### **Purpose of Contacts**

Contact generally involve obtaining or exchanging factual information related to assigned matters; advising concerned parties of tentative decisions; securing expert advice in decisions rendered; and advising interested personnel concerning status of pending matters.

### **Physicals Demands**

The work is sedentary. Typically, the employee may sit comfortably to do the work. However, there may be some walking, standing, bending, carrying of light to medium items, such as paper, books, or small parts; and driving a vehicle may be required. No special physical demands are required to perform the work.

### **Work Environment**

Work environment involves everyday risks or discomforts that require normal safety precautions typical of such places as offices, meeting and training rooms, libraries, and residences.

### **Other Significant Facts**

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Education and Experience: Graduated with a Juris Doctor from a law school accredited by the American Bar Association (ABA) at the time of appointment, plus two (2) years of legal experience practicing law in area closely related to activity of the DC Sentencing Commission.

Must be an active member in good standing of the bar of the District of Columbia, or eligible for waiver into the bar. (If eligible for waiver, incumbent must successfully obtain admission to the D.C. Bar within 360 days of commencing employment).

Incumbents for this position shall be subject to a criminal background check.

Residency Requirement

The person hired for this position must be or must within 180 days of assuming the position become, a resident of the District of Columbia.

Salary Range

\$87,815 to \$113,500.

Interested applicants should submit resume, response to ranking factors and cover letter to:

Mia Hebb, Executive Assistant  
DC Sentencing Commission  
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Washington, DC 20001  
dc.sc@dc.gov